

invited the Court's attention in support of his argument. The first of those cases is entirely inapposite. As to the second, while the question of discrimination may, in part, have influenced the Court's decision, the crux thereof undoubtedly was its conclusion that neither the text nor the manner of distribution of the report in question was violative of the statute involved in the case. Moreover the question of discrimination is not relevant to the case at bar.

"Accordingly, the libelant's objections to the aforementioned interrogatories of the claimant, except for No. 149, are sustained. As to No. 149, the libelant will furnish to the claimant copies of all correspondence between them since April 2, 1957 which related to the products involved in this case.

"Claimant's objection to libelant's interrogatory No. 5 is overruled, except that the quantitative formula or analysis of each of the products therein referred to shall be sealed and kept in the custody of the Clerk of this Court until the trial of the case, at which time it will be delivered to the trial judge for such use as he may deem proper.

"Settle order on notice."

In accord with this opinion, and the order entered pursuant thereto on 11-17-61, the Government answered the interrogatory and submitted copies of the communications; and the claimant submitted a sealed copy of the quantitative formula to the Clerk, and also submitted the qualitative formula.

In November 1962, the Government moved for summary judgment, and on 12-7-62, the claimant filed its Statement of Material Fact Showing a Genuine Issue To Be Tried. Subsequently, the claimant withdrew its answer, and a default decree ordering destruction of the goods was entered 1-8-63.

29687. Cinnamon and black pepper. (F.D.C. No. 48947. S. Nos. 17-685/6 V.)

QUANTITY: 310 cases, each containing 12 cans of pepper, and 71 ctns., each containing 12 cans of cinnamon, at Nashville, Tenn., in possession of Cumberland Manufacturing Co.

SHIPPED: Between 1-15-63 and 2-20-63, from New Orleans, La., San Francisco, Calif., and Brooklyn, N.Y.

LABELS IN PART: (Cans) "Windsor Brand Ground Cinnamon One Ounce Net Weight [or "Pure Ground Black Pepper Net Wt. 4 Ozs.]" Packed by Cumberland Mfg. Co., Nashville, Tenn."

RESULTS OF INVESTIGATION: The articles had been repacked by the dealer from bulk stocks. The pepper was approximately 4 percent short weight and the cinnamon, approximately 7 percent short weight.

LIBELED: 5-6-63, M. Dist. Tenn.

CHARGE: 403(e) (2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of the contents, since the label statements (Pepper) "Net Wt. 4 Ozs." and (Cinnamon) "One Ounce Net Weight" were inaccurate.

DISPOSITION: 6-19-63. Default—delivered to a charitable institution.

29688. Mustard seed. (F.D.C. No. 49599. S. Nos. 36-762 X, 38-637 X.)

QUANTITY: 168 100-lb. bags of yellow mustard seed and 263 100-lb. unlabeled bags of brown mustard seed at Gretna, La.

SHIPPED: 4-27-63 and 5-20-62, from Power, Mont.

LIBELED: 1-16-64, E. Dist. La.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 7-28-64. Default—destruction.